

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

CLERK'S OFFICE U.S. DIST. COURT
AT ROANOKE, VA
FILED

OCT 16 2009

JOHN F. CONNORAN, CLERK
BY:  DEPUTY CLERK

KELVIN E. BROWN
PLAINTIFF

V.

CASE NO. 7:09-CV-00180

TRACY S. BAY, ET AL
DEFENDANT(S)

COUNTER MOTION

COME NOW THE PLAINTIFF, KELVIN E. BROWN, IN THIS COUNTER MOTION to, IN CHALLENGE OF DEFENDANTS MOTION TO FILE DOCUMENT UNDER SEAL, PURSUANT to LOCAL RULE ~~XIII~~ A.1.

PLAINTIFF STATES, HE CHALLENGE THE MOTION by DEFENDANTS; HE BELIEVES SUCH SEAL PREVENTS HIM FROM PROPERLY DEFENDING HIMSELF, AND CONFRONTING HIS ACCUSER, AGAINST FALSE CLAIMS. PLAINTIFF STATES, HE HAS A RIGHT to REVIEW ALL SUBMITTED AFFIDAVITS, documents, etc. SUBMITTED by DEFENDANTS.

PLAINTIFF STATES, HE'S BEEN A MODEL PRISONER FOR OVER TEN YEARS - RECEIVING ONE INFRACTION DURING THAT TIME (NO VIOLENCE, NO WEAPONS,). SUCH INFORMATION WILL NOT

A THREAT to PLAINTIFF, OTHER PRISONERS OR STAFF SUCH CLAIMS - GIVING by DEFENDANTS LACK MERIT, IS A THING NOT SUBSTANTIATED BY FACTS.

PLAINTIFF STATES, THE SEAL DOCUMENT HAS ALREADY BE MADE KNOWN by BENJAMIN A. KIRKRIGHT IN HIS AFFIDAVIT SUBMITTED TO COURTS ON SEPTEMBER 28, 2009.

PLAINTIFF STATES, TO PERMIT DEFENDANTS TO ADVANCE THIS MOTION WOULD DEPRIVE them the FUNDAMENTAL RIGHT AND PRIVILEGE to PROPERLY DEFEND HIMSELF. THIS CASE IS BASED UPON A RELIGIOUS RIGHTS VIOLATION - NOT A MURDER OR ANY OTHER HEINOUS CRIME/CASE. DEFENDANTS CLAIMS ALREADY LACK MERIT, UNFOUNDED AND THIS MOTION IS A GRAND ATTEMPT to MISLEAD the COURTS. PLAINTIFF BELIEVES DEFENDANTS ARE FABRICATING FALSE DOCUMENTS AND ALLEGED EVIDENCE, THEREBY DENYING them the RIGHT to CONFRONT his ACCUSER / SUBMITTED EVIDENCE.

TO CONCLUDE, PLAINTIFF HASTILY MOVE this COURT to REVEAL, UNSEAL AND MAKE KNOWN / MANIFESTED SEAL documents submitted by DEFENDANTS, THAT HE MAY PROPERLY DEFEND HIMSELF

RESPECTFULLY SUBMITTED

Mr. Kelvin E. Brown
PLAINTIFF